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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/675,002	09/30/2003	Brian K. Campbell	EMC-03-046	5206
24227	7590	08/13/2008		
EMC CORPORATION OFFICE OF THE GENERAL COUNSEL 176 SOUTH STREET HOPKINTON, MA 01748			EXAMINER ALPHONSE, FRITZ	
			ART UNIT 2112	PAPER NUMBER
			MAIL DATE 08/13/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/675,002

Applicant(s)

CAMPBELL ET AL.

Examiner

FRITZ ALPHONSE

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 May 2008.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-20 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 30 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/5508)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

1. This Office Action is in regard to the communication filed on 5/28/2008. Claims 1-20 are pending.

In view of the Appeal Brief submitted in response to the final rejection of the claims mailed 10/01/2007, the prosecution of the application is hereby reopened.

2. In view of the Appeal Brief filed on 10/01/2007, PROSECUTION IS HEREBY REOPENED. As set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

/JACQUES H LOUIS-JACQUES/

Supervisory Patent Examiner, Art Unit 2100

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 10-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Kleppel (U.S. Pat. No. 7,020,809).

As to claim 10, Kleppel (fig. 1) discloses a data transmission system (10) including: a transmission device (transmitter 12) for transmitting command data elements to a downstream device (data bus 15), the command data elements being generated and transmitted according to a predetermined protocol (col. 1, lines 40-59); and a reception device (20) for receiving response data elements from the downstream device (data bus 15), the reception device including a protocol checking device for checking at least one state of the response data elements to determine the validity of the at least one state of the response data elements (col. 2, lines 20-44).

As to claim 11, Kleppel (fig. 1) shows a system, wherein the at least one state of the response data elements includes a data structure of the response data elements (the receiver is provided with control functionality 28; col. 2, lines 51-62).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-2, 6 and 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kleppel (U.S. Pat. No. 7,020,809) in view of Parr (US Pub. 2002/0194571).

As to claims 1 and 6, Kleppel (figs. 1-2) show an error checking method and apparatus comprising: an input device (fig. 2 shows transmission device 100 including receiver 115) for receiving a data element including parity information; a parity check device (fig. 1; col. 1, lines 35-48) for checking the parity information of the data element to determine whether the data element is valid; a CRC generator (130) coupled to the parity check device for generating a CRC for the data element. In addition, Kleppel (figs. 1-2) discloses an output device (i.e., controller 18) for transmitting the data element with the parity information and CRC to a downstream device over a transmission link (i.e., data bus 15).

Kleppel does not explicitly teach the parity check device is operative to output a corruption signal to the CRC generator if the parity check device determines that the data

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element is invalid, to instruct the CRC generator to corrupt the CRC generation for that data element.

However, in the same field of endeavor Parr discloses a system and method of coding cyclic redundancy check bits wherein parity check device is operative to output a corruption signal to the CRC generator if the parity check device determines that the data element is invalid (see paragraph [0023 and 0028]).

Therefore, it would have been obvious to a person of ordinary skill in the art, at the time of the invention to incorporate into Kleppel's communication apparatus the system and method of coding cyclic redundancy check bits, as disclosed by Parr. Doing so would provide a system for reducing interference between communications occurring on the same frequency in different beams of a satellite communications network.

As to claim 2, Kleppel (figs 1-2) discloses an error checking method further comprising transmitting the data element with the parity information and CRC to a downstream device over a transmission link (bus 15).

As to claims 12-13, Kleppel discloses a protocol checking device transmits a status signal to the transmission device to notify the transmission device of the invalidity. However, the limitation is obvious and well known in the art, as evidenced by Parr (see paragraph [0023 and 0028]). See the motivation for the same reason disclosed in claim 1 above.

7. Claims 3-5, 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kleppel and Parr as applied to claims 1 and 6 above, and further in view of Hong (U.S. Pat. No. 5,903,301).

As to claims 3-5 and 7-9, Kleppel does not explicitly disclose transmitting an alarm signal to the downstream device if the generation of the CRC has been corrupted.

However, the limitation is obvious and well known in the art, as evidenced by Hong (col. 4, lines 20-44).

Therefore, it would have been obvious to a person of ordinary skill in the art, at the time of the invention to improve upon the apparatus for removing data, as disclosed by Hong. Doing so would provide an apparatus for removing unnecessary data in communication networks, in which, by removing the unnecessary data, the components of the receiving data (such as hardware and software) are protected.

8. Claims 14-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kleppel in view of Hurt (U.S. Pat. No. 6,954,885).

As to claim 14, Kleppel (figs. 1-2) discloses a data transmission system comprising: a data transmission device (transmitter 12, 110) for transmitting data elements to a downstream device; a data reception device (receiver 20, 115) for receiving data elements from the downstream device, the data reception device (115) including an input CRC checking device (130) coupled to receive the data elements from the downstream device. In addition, Kleppel discloses an output device (i.e., controller 18) for transmitting the data element with the parity information and CRC to a downstream device over a transmission link (i.e., data bus 15).

Kleppel does not explicitly disclose a memory device coupled to the input CRC checking device for storing data elements. However, the limitations are obvious and well known in the art, as evidenced by Hurt (U.S. Pat. No. 6,954,885). See col. 30, lines 30-60.

Therefore, it would have been obvious to a person of ordinary skill in the art, at the time of the invention to incorporate into Kleppel's apparatus a memory device for storing counter values, as disclosed by Hurt. By doing so, techniques that can be used to efficiently code data with shorter processing delays.

9. Claims 15-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kleppel in view of Hurt (U.S. Pat. No. 6,954,885) and further in view of Parr.

As to claim 15, Kleppel does not explicitly disclose the input CRC checking device notifies the data transmission device that at least one data element received by the data reception device is invalid. However, the limitation is obvious and well known in the art, as evidenced by Parr (see paragraph [0023 and 0028]). See the motivation for the same reason disclosed in claim 1 above.

As to claims 16 and 19, Kleppel does not explicitly disclose a memory device including a FIFO device. However, the limitations are obvious and well known in the art, as evidenced by Hurt (U.S. Pat. No. 6,954,885). See col. 30, lines 30-60.

As to claims 17, 18 and 20, Kleppel (fig. 2) show a system, wherein the data reception device (115) includes a first data element processing path (149) and a second data element processing path (150) for processing different portions of the received data elements.

Response to Arguments

10. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fritz Alphonse, whose telephone number is (571) 272-3813. The examiner can normally be reached on M-F, 8:30-6:00, Alt. Mondays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jacques Louis-Jacques, can be reached at (571) 272-6962.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-3824

Information regarding the status of an application may also be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Fritz Alphonse

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August 1, 2008

/JACQUES H LOUIS-JACQUES/

Supervisory Patent Examiner, Art Unit 2100